REMARKS

Applicant respectfully requests that the foregoing amendments be made prior to examination of the present application.

In the specification, paragraph **[0010]** has been amended to replace the sentence "TLK286 as the hydrochloride salt has the proposed United States Adopted Name of canglustratide hydrochloride" with "TLK286 as the hydrochloride salt has the United States Adopted Name of canfosfamide hydrochloride." When the application was filed, "canglustratide" was the proposed United States Adopted Name. However "canfosfamide" was the name that was ultimately accepted, and paragraph **[0010]** is being amended to recite the accepted name. A copy of the definition of canfosfamide from the USP Dictionary of USAN and International Drug Names is enclosed with this response. The dictionary entry shows that the structure of canfosfamide is the same as that for canglustratide in paragraph **[0010]**.

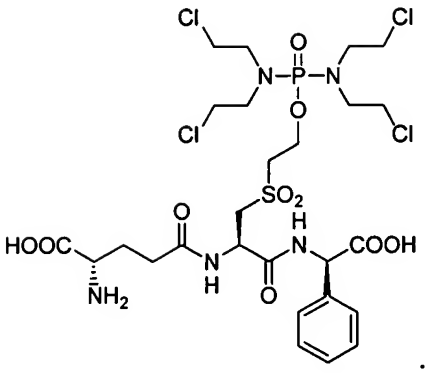
Claims 8, 9, 20, 23, 25, 27, and 29 are currently being amended to replace the term "canglustratide" with "canfosfamide".

Multiple dependent claims 3 and 5 have been amended to depend directly from claims 2 and 4 respectively. Claim 17 has been amended so that it depends from claim 16 instead of 15.

Claims 31-34 are requested to be canceled.

After amending the claims as set forth above, claims 1-30 are now pending in this application.

In response to the restriction requirement, Applicants hereby provisionally elect Group I, claims 1-23, for examination with traverse. Within Group I, Applicants provisionally elect as the species the GST-activated anticancer compound canfosfamide hydrochloride, where canfosfamide has the structure:



All the claims of Group I read on canfosfamide hydrochloride, which has S^x is $-S(=O)_2-$ in claims 3-5. Applicants also elect the method where the another anticancer therapy is chemotherapy with carboplatin. All the claims of Group I except claim 17 read on chemotherapy with carboplatin; so that claims 1-16 and 18-23 all read on the elected species.

The election between Groups I and II is made with traverse. The Examiner has required restriction between Claims 1-23 (Group I), drawn to a method, and Claims 24-30 (Group II), drawn to materials used in the method. The Office Action alleges as a ground for distinctness that "the process of combination therapy can be practiced with another materially different product such as administering x-ray radiation and orally dosed 9-nitrocamptothecin to a patient (U.S. 6,281,223, 2001)."

However, the test for distinctness set out in MPEP §806.05(h) is whether "the process for using the product *as claimed* can be practiced with another materially different product" (emphasis added). Here the process for using the product *as claimed* is not just "combination therapy" but is (in claim 1) "administering a therapeutically effective amount of a GST-activated anticancer agent and a therapeutically effective amount of another anticancer therapy". Because this process cannot be practiced with a materially different product (it requires a product containing a GST-activated anticancer agent, and therefore it cannot be practiced with radiation and 9-nitrocamptothecin as suggested by the Office Action), the claims of Group I and Group II are not distinct under the test of MPEP §806.05(h).

It is respectfully requested that the restriction requirement be withdrawn, and each of Claims 1-30 presently pending in this application be examined.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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